

**Arizona State Board of Homeopathic Medical  
Examiners  
REVISED Minutes of Regular Meeting  
January 13, 2004**

**I. CALL TO ORDER**

Presiding officer, Bruce Shelton, MD, MD(H), called the meeting to order at 9:00 a.m.

**ROLL CALL**

**BOARD MEMBERS PRESENT:**

Bruce Shelton, MD, MD(H), President  
Charles Schwengel, DO, MD(H), Vice President  
Garry Gordon, MD, DO, MD(H)  
Annemarie Welch, MD, MD(H)

**BOARD MEMBERS ABSENT:**

Anna Marie Prassa  
Joan Heskett

Marc Harris, Assistant Attorney General, Christine Springer, Executive Director and members of the public were also present.

**II. REVIEW/APPROVAL OF MINUTES**

Dr. Gordon made a motion adopting the January 13, 2004 Regular Meeting Minutes noting one correction to reflect the correct name of Dr. Fuller Royal on page 4. The motion was seconded by Dr. Welch and passed unanimously.

**III. REVIEW, CONSIDERATION AND POSSIBLE ACTION – LICENSE APPLICATION of Kerby Stewart, M.D.**

Noting that Dr. Stewart was not in attendance, the discussion of his license application was deferred.

**IV. REVIEW, CONSIDERATION AND POSSIBLE ACTION CONCERNING INVESTIGATIONS/COMPLAINTS**

**1. Previous Matters**

**LC2003-000767-0010T Fry vs. State**

Assistant Attorney General Harris indicated oral argument in this matter is scheduled for the second week in February.

**2. Previous Matters**

**03-12 Walter Gene Schroeder, MD, MD(H)**

Dr. Schroeder was present to respond to questions from board members. He presented a copy of his correspondence from the Arizona Medical Board (AMB) in which they acknowledge surrender of his allopathic medical license.

Dr. Gordon made a motion dismissing 03-12 noting that the Board had reviewed the matter two years ago. At that time the Board had issued a letter of concern requesting Dr. Schroeder comply with AMB requirements relative to physical examinations. In addition, the Board had reviewed Schroeder's chelation records (at AMB request) and had found the records to be in appropriate format. Motion was seconded by Dr. Welch and passed unanimously 6-0.

Dr. Gordon noted on the record that Dr. Schroeder's current chelation protocols and informed consents meet industry standards. He complimented Dr. Schroeder on their format and reminded him to remove references to licensure by the allopathic medical board.

**03-11 D.P. for T.P. vs. Kathleen Fry, MD, MD(H)**

An overview of this matter was presented by President Shelton. He noted AMB had dismissed their investigation relative to the surgical aspects and had found no violation of allopathic standards of practice. He discussed the homeopathic remedy irridium noting that it was an appropriate remedy. Shelton noted T.P. had consulted with Vega Rozenberg after Dr. Fry's suggestion that his services were available as a world renown homeopath. He expressed concern that questions arise in the public's perception of whether or not Mr. Rozenberg is a physician since a fee is paid directly to him by the client. Dr. Gordon responded that from the information presented by the complainant there was a perception that the family believed Mr. Rozenberg was licensed in some capacity. A.A.G. Harris directed the board to the question of whether or not there was evidence of unprofessional conduct. Noting that the instant complaint was originally referred by AMB during the time frame that previous cases of the same nature were filed (and a Letter of Concern had been issued by the Board) Dr. Shelton indicated he had additional questions for Dr. Fry and suggested that an oral interview would be of assistance to the board in answering those questions. Dr. Gordon made a motion to invite Dr. Fry to an oral interview to be scheduled for the next regular meeting. Dr. Welch seconded the motion that passed unanimously. A.A.G. Harris indicated that the notice should specifically state that the purpose of the interview is to obtain further information and that no vote would be taken other than to dismiss the matter if appropriate.

The complainant, D.P. was present with her daughter C.S. She inquired about whether or not laws had been broken when T.P. sought Mr. Rozenberg's advice in the course of her treatment. A.A.G. Harris stated that Mr. Rozenberg was not licensed by the board. As a result, if the Board felt that he was engaging in the unauthorized practice of homeopathy, the Board could pursue its remedies under ARS §32-2940. It would be proper for the board to refer to the proper county attorney if the board believed Mr. Rozenberg had been practicing medicine in violation of our statute.

**V. REVIEW, CONSIDERATION AND ACTION REGARDING PROFESSIONAL BUSINESS**

1. Dr. Gordon reviewed protocols and informed consents for EDTA, DMPS and Oxidative therapy from Laurence Webster, MD, MD(H). He noted changes regarding inclusion of anaphylactic shock as an adverse effect and language concerning the possibility of improvement without EDTA chelation and made a motion approving the protocols and consents with the amendments. Dr. Welch seconded the motion that passed unanimously.
2. Dr. Shelton recused himself from the discussion of the Department of Revenue proposed rules regarding Title 15. Revenue, Chapter 5 Transaction Privilege and Use Tax Section R15-5-156 Sales of Prescription Drugs and Prosthetic Appliances. Dr. Schwengel chaired this portion of the meeting but noted that the discussion could not go forward since a quorum was not present.
3. Dr. Shelton provided an update concerning a recent phone conversation regarding chelation therapy with Dr. Cassidy and their A.A.G. Christine Cassetta. He indicated that the stance of the medical board is that chelation therapy may only be used to remove heavy metal toxicity and that the patient's chart must indicate a basis for the therapy based upon blood tests, hair analysis and other pertinent test results. In addition, informed consent must be present in the chart.

Dr. Gordon requested that a follow-up letter be sent to the medical board offering the board's services as consultants in the matters relating to chelation therapy. In addition, Dr. Gordon, as the director of the American Board of Clinical Toxicology noted he would be pleased to give a seminar to the AMB board explaining the therapy in greater detail. He expressed concern about public health concerns specific to Arizona in that, as a mining state there may be differences between how toxicity levels are determined. A public health benefit could accrue by both boards sharing further discussions.

Dr. Schwengel inquired about whether one statute can limit practice rights of physicians licensed under another statute and if one statute supercedes the other. Dr. Shelton recognized a question from Hilda Marshall who was present in the audience. She inquired why the board was discussing chelation therapy as a homeopathic board. Dr. Shelton directed her attention to the definition of homeopathy as defined in A.R.S. 32-2901(22).

**VI. EXECUTIVE DIRECTOR REPORT**

1. and 2. Christine Springer updated the board about the Five Year Review process and the current status of the Medical Assistant Rules (Article 3). The Five Year is being reviewed by GRRC and Article 3 should be available for further review by the board at the March meeting.

**VII. CALL TO THE PUBLIC**

Public comment by Hilda Marshall and Amanya Jacobs.

**VIII. FUTURE AGENDA ITEMS**

None

**CLOSE OF BUSINESS/ADJOURNMENT**

The meeting adjourned at 10:30 a.m. following a motion by Dr. Gordon. Dr. Welch seconded the motion that passed unanimously. The next Regular Meeting of the Board will convene at the State Board's Offices, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 9:00 AM, on **March 9, 2004.**

Respectfully Submitted,

Christine Springer  
Executive Director

**Approved as discussed in Open Meeting March 9, 2004.**